

JS 44 (Rev. 12-07, NTS 08)

CIVIL COVER SHEET

10-CW-4090

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

KRISTEN WOJTYLAK

(b) County of Residence of First Listed Plaintiff

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire
Kimmel & Silverman, P.C.
30 E. Butler Pike
Ambler, PA 19002
(215) 540-8888

DEFENDANTS

NCO FINANCIAL SOLUTIONS, INC.

County of Residence of First Listed Defendant

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- | | | | | | |
|---|--------------------------------|--------------------------------|---|--------------------------------|--------------------------------|
| Citizen of This State | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PTF <input type="checkbox"/> 4 | DEF <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 160 Medicare Act <input type="checkbox"/> 170 Recovery of Defaulted Student Loans (incl. Veterans) <input type="checkbox"/> 180 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 190 Stockholders' Suits <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 800 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Eminent Domain <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Easements and Easement <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w. Disabilities - Employment <input type="checkbox"/> 446 Amer. w. Disabilities - Other <input type="checkbox"/> 449 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. Section 1692

Brief description of cause:

Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S)

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

8-12-10

DATE

SIGNATURE OF ATTORNEY OF RECORD

AUG 13 2010

GP

UNITED STATES DISTRICT COURT

10 4090

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 6234 Shelbourne St, Philadelphia, PA 19111

Address of Defendant: 507 Prudential Road, Harsham, PA 19044

Place of Accident, Incident or Transaction: 6234 Shelbourne St, Philadelphia PA 19111
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts

2. ☐ FELA

3. ☐ Jones Act-Personal Injury

4. ☐ Antitrust

5. ☐ Patent

6. ☐ Labor-Management Relations

7. ☐ Civil Rights

8. ☐ Habeas Corpus

9. ☐ Securities Act(s) Cases

10. ☐ Social Security Review Cases

11. ☒ All other Federal Question Cases

(Please specify)

15 U.S.C. § 1692

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts

2. ☐ Airplane Personal Injury

3. ☐ Assault, Defamation

4. ☐ Marine Personal Injury

5. ☐ Motor Vehicle Personal Injury

6. ☐ Other Personal Injury (Please specify)

7. ☐ Products Liability

8. ☐ Products Liability — Asbestos

9. ☐ All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Craig Thor Kimmel, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(e)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 8-12-10

Craig Thor Kimmel
Attorney-at-Law

57100

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 8-12-10

Craig Thor Kimmel
Attorney-at-Law

57100

Attorney I.D.#

AUG 13 2010

GP

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Kristen Wojtylak
v.
NCO Financial Systems,
Inc.

CIVIL ACTION

10 4090

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

8-12-10
Date

Craig Ther Kimmel
Attorney-at-law

Kristen Wojtylak
Attorney for
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Telephone

800-863-1689
FAX Number

E-Mail Address

GP

**UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

KRISTEN WOJTYLAK
Plaintiff

v.

NCO FINANCIAL SYSTEMS, INC.,
Defendant

10 4090

Case No.:

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

(Unlawful Debt Collection Practices)

COMPLAINT

KRISTEN WOJTYLAK ("Plaintiff"), by her attorneys, KIMMEL & SILVERMAN, P.C., alleges the following against NCO FINANCIAL SYSTEMS, INC. ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and 28 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising under the laws of the United States.

3. Defendant conducts business and has an office in the State of Pennsylvania and therefore, personal jurisdiction is established.

1 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

2 5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and
3 2202.

4
5 **PARTIES**

6 6. Plaintiff is a natural person residing in Pennsylvania, with a mailing
7 address of 6234 Shelbourne St, Philadelphia, PA 19111.

8 7. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. §
9 1692a(3).

10 8. Defendant is a national debt collection company with corporate
11 headquarters located at 507 Prudential Road in Horsham, Pennsylvania.

12 9. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §
13 1692a(6) and repeatedly contacted Plaintiffs in an attempt to collect a debt.

14 10. Defendant acted through its agents, employees, officers, members,
15 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,
16 representatives, and insurers.

17
18 **PRELIMINARY STATEMENT**

19 11. The Fair Debt Collection Practices Act (“FDCPA”) is a
20 comprehensive statute which prohibits a catalog of activities in connection with the
21 collection of debts by third parties. See 15 U.S.C. § 1692 *et seq.* The FDCPA
22 imposes civil liability on any person or entity that violates its provisions, and
23 establishes general standards of debt collector conduct, defines abuse, and provides
24 for specific consumer rights. 15 U.S.C. § 1692k. The operative provisions of the
25 FDCPA declare certain rights to be provided to or claimed by debtors, forbid

1 deceitful and misleading practices, prohibit harassing and abusive tactics, and
2 proscribe unfair or unconscionable conduct, both generally and in a specific list of
3 disapproved practices.

4 12. In particular, the FDCPA broadly enumerates several practices
5 considered contrary to its stated purpose, and forbids debt collectors from taking
6 such action. The substantive heart of the FDCPA lies in three broad prohibitions.
7 First, a “debt collector may not engage in any conduct the natural consequence of
8 which is to harass, oppress, or abuse any person in connection with the collection
9 of a debt.” 15 U.S.C. § 1692d. Second, a “debt collector may not use any false,
10 deceptive, or misleading representation or means in connection with the collection
11 of any debt.” 15 U.S.C. § 1692e. And third, a “debt collector may not use unfair
12 or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. §
13 1692f. The FDCPA is designed to protect consumers from unscrupulous
14 collectors, whether or not there exists a valid debt, broadly prohibits unfair or
15 unconscionable collection methods, conduct which harasses, oppresses or abuses
16 any debtor, and any false, deceptive or misleading statements in connection with
17 the collection of a debt.

18 13. In enacting the FDCPA, the United States Congress found that
19 “[t]here is abundant evidence of the use of abusive, deceptive, and unfair debt
20 collection practices by many debt collectors,” which “contribute to the number of
21 personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of
22 individual privacy.” 15 U.S.C. § 1692a. Congress additionally found existing
23 laws and procedures for redressing debt collection injuries to be inadequate to
24 protect consumers. 15 U.S.C. § 1692b.
25

1 14. Congress enacted the FDCPA to regulate the collection of consumer
2 debts by debt collectors. The express purposes of the FDCPA are to “eliminate
3 abusive debt collection practices by debt collectors, to insure that debt collectors
4 who refrain from using abusive debt collection practices are not competitively
5 disadvantaged, and to promote consistent State action to protect consumers against
6 debt collection abuses.” 15 U.S.C. § 1692e.

7
8 **FACTUAL ALLEGATIONS**

9 15. At all pertinent times hereto, Defendant was allegedly hired to
10 collect a consumer debt allegedly owed by Plaintiff.

11 16. The alleged debt at issue arose out of transactions which were
12 primarily for personal, family, or household purposes.

13 17. Defendant first contacted Plaintiff concerning the alleged debt via
14 a call to her mobile phone on March 10, 2010.

15 18. Since that initial contact, Defendant has continued to place calls to
16 Plaintiff’s telephone, calling at least three(3) times a week.

17 19. Defendant calls Plaintiff during working hours, while she is at her
18 place of employment though Defendant has been advised that such calls are not
19 permitted.

20 20. Defendant has left numerous voicemails on Plaintiff’s cellular phone,
21 explicitly stating, “this is an attempt to collect a debt”.

22 21. Plaintiff’s voicemail greeting only provides her phone number;
23 Defendant carelessly placed numerous messages disclosing confidential
24 information in a voice mailbox that Defendant had no reason to believe belonged
25 to Plaintiff.

1 22. Defendant identified itself as a debt collector.

2 23. On April 8, 2010, Plaintiff's attorney advised Defendant of its
3 representation and on behalf of Plaintiff, demanded validation from NCO
4 Financial by way of written letter. (See Exhibit "A", April 8, 2010 letter).

5 24. As of June 2, 2010 Defendant has failed to validate and it is unknown
6 if Defendant has closed the account.

7 25. Defendant's actions and methods in attempting to collect the alleged
8 debt were harassing, deceptive, and a significant invasion of privacy.

9
10 **CONSTRUCTION OF APPLICABLE LAW**

11 26. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry,
12 deLaunay & Durand, 103 F.3d 1232 (5th Cir. 1997). "Because the Act imposes
13 strict liability, a consumer need not show intentional conduct by the debt collector
14 to be entitled to damages." Russell v. Equifax A.R.S., 74 F. 3d 30 (2d Cir. 1996);
15 see also Gearing v. Check Brokerage Corp., 233 F.3d 469 (7th Cir. 2000) (holding
16 unintentional misrepresentation of debt collector's legal status violated FDCPA);
17 Clomon v. Jackson, 988 F. 2d 1314 (2d Cir. 1993).

18 27. The FDCPA is a remedial statute, and therefore must be construed
19 liberally in favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235
20 (W.D. Wash. 2006). The remedial nature of the FDCPA requires that courts
21 interpret it liberally. Clark v. Capital Credit & Collection Services, Inc., 460 F. 3d
22 1162 (9th Cir. 2006). "Because the FDCPA, like the Truth in Lending Act (TILA)
23 15 U.S.C §1601 *et seq.*, is a remedial statute, it should be construed liberally in
24 favor of the consumer." Johnson v. Riddle, 305 F. 3d 1107 (10th Cir. 2002).

28. The FDCPA is to be interpreted in accordance with the “least sophisticated” consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168 (11th Cir. 1985); Graziano v. Harrison, 950 F. 2d 107 (3rd Cir. 1991); Swanson v. Southern Oregon Credit Service, Inc., 869 F.2d 1222 (9th Cir. 1988). The FDCPA was not “made for the protection of experts, but for the public - that vast multitude which includes the ignorant, the unthinking, and the credulous, and the fact that a false statement may be obviously false to those who are trained and experienced does not change its character, nor take away its power to deceive others less experienced.” Id. The least sophisticated consumer standard serves a dual purpose in that it ensures protection of all consumers, even naive and trusting, against deceptive collection practices, and protects collectors against liability for bizarre or idiosyncratic interpretations of collection notices. Clomon, 988 F. 2d at 1318.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES
ACT

29. In the actions and methods associated with its attempt to collect the disputed debt, Defendant violated the FDCPA in the following ways:

- a. Engaging in conduct of which the natural consequence is to harass, oppress, or abuse Plaintiff in connection with the collection of the alleged debt, in violation of 15 USC § 1692d;
- b. Causing a telephone to ring or engaging Plaintiff in telephone conversation repeatedly or continuously with intent to annoy, abuse or harass Plaintiff, in violation of 15 USC § 1692d(5);
- c. Placing telephone calls without meaningful disclosure of the

1 caller's identity, in violation of 15 USC § 1692d(6);

2 d. Using false, deceptive, or misleading representation or means in
3 connection with the collection of the alleged debt, in violation of
4 15 USC § 1692e;

5 e. Failing to, within five days after the initial contact with Plaintiff in
6 connection with the collection of the alleged debt, send the
7 consumer a written notice containing any of the following: the
8 amount of the debt, the name of the creditor to whom the debt is
9 owed, a statement that unless the consumer disputes the validity of
10 the debt within 30 days of the initial communication the debt will
11 be assumed to be valid, a statement that if the consumer disputes
12 the debt in writing within the 30 day period the debt collector is
13 required to verify the debt, a statement that, upon written request
14 within the 30 day period, the debt collector will provide the
15 consumer with the name and address of the original creditor, in
16 violation of 15 USC 1692g(a), 15 USC 1692g(a)(1), 15 USC
17 1692g(a)(2), 15 USC 1692g(a)(3), 15 USC 1692g(a)(4), 15 USC
18 1692g(a)(5).

19
20 WHEREFORE, Plaintiff, KRISTEN WOJTYLAK, respectfully pray for a
21 judgment as follows:
22

23 a. All actual compensatory damages suffered pursuant to 15
24 U.S.C. § 1692k(a)(1);
25

- 1 b. Statutory damages of \$1,000.00 for each violation of the
2 FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A);
3
4 c. All reasonable attorneys' fees, witness fees, court costs and
5 other litigation costs incurred by Plaintiff pursuant to 15 U.S.C.
6 § 1693k(a)(3); and
7
8 d. Any other relief deemed appropriate by this Honorable Court.


9 **DEMAND FOR JURY TRIAL**

10 PLEASE TAKE NOTICE that Plaintiff, KRISTEN WOJTYLAK, demands
11 a jury trial in this case.

12 RESPECTFULLY SUBMITTED,

13 DATED: August 12, 2010

 KIMMEL & SILVERMAN, P.C..

14 By: 
15 _____
16 Craig Thor Kimmel
17 Attorney ID # 57100
18 Kimmel & Silverman, P.C.
19 30 E. Butler Pike
20 Ambler, PA 19002
21 Phone: (215) 540-8888
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25

CRAIG THOR KIMMEL
ROBERT M. SILVERMAN

Member PA Bar
Member NJ Bar
Member NY Bar
Member VA Bar
Member ME Bar
Member NH Bar
Member CT Bar
Member MA Bar
Member RI Bar
Member IL Bar



KIMMEL & SILVERMAN

P.C.

www.CREDITLAW.com
(800)-NOT-FAIR

CORPORATE HEADQUARTERS
30 E. Butler Pike, Ambler, PA 19002
Toll Free (800)-668-3247
Fax: (800) 863-1689

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W. PENNSYLVANIA: 210 Grant Street, Suite 202, Pittsburgh, PA 15219, (412) 566-1001

Please reply to CORPORATE HEADQUARTERS

April 18, 2010

NCO Financial Systems, Inc.
507 Prudential Road
Horsham, PA 19044-2308

OUR CLIENT: Kristen Wojtylak
RE: DEBT VALIDATION AND DEMAND
FOR CESSATION OF COMMUNICATIONS
LAST FOUR OF SS#: 6465

To Whom It May Concern:

PLEASE TAKE NOTICE that this office represents Kristen Wojtylak. On behalf of our client, this letter will serve as formal DISPUTE of the debt and written request for VALIDATION of the alleged debt pertaining to the above-mentioned account number, pursuant to 15 U.S.C. § 1692 *et seq.*

Please provide me written validation of the debt, including but not limited to: 1) the name of the original creditor; 2) the address of the original creditor; and 3) a copy of the written agreement authorizing you to act.

FURTHER, I hereby demand that NCO Financial System, including all of its agents and employees, CEASE any and all COMMUNICATIONS with me via telephone and only contact me via postal mail.

Sincerely,

/S/ Craig Thor Kimmel

CRAIG THOR KIMMEL

